

BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

GREGORY HAAS  
2111 Saint Augustine Circle  
Petaluma, CA 94954

Applicant for Registered Pharmacist License

Respondent.

Case No. 3134

OAH No.

**DECISION AND ORDER**

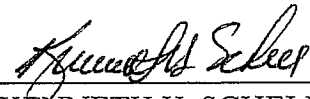
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 27, 2008.

It is so ORDERED July 28, 2008.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
KENNETH H. SCHELL  
Board President

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM, State Bar No. 214663  
Deputy Attorney General  
4 455 Golden Gate Avenue, Suite 11000  
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6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues Against:

Case No. 3134

11 GREGORY HAAS  
12 2111 Saint Augustine Circle  
13 Petaluma, CA 94954

OAH No.

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Applicant for Registered Pharmacist License

15 Respondent.

16 In the interest of a prompt and speedy settlement of this matter, consistent with the  
17 public interest and responsibility of the Board of Pharmacy, Department of Consumer Affairs,  
18 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order to be  
19 submitted to the Board for approval and adoption as final disposition of the Statement of Issues.

20  
21 PARTIES

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of  
23 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
24 by Edmund G. Brown Jr., Attorney General of the State of California, by Joshua A. Room,  
25 Deputy Attorney General.

26 2. Gregory Haas (Respondent) is representing himself in this proceeding and  
27 has chosen not to exercise his right to be represented by counsel.

28 ///

1                   3.       On or about August 13, 2007, Respondent filed an application dated  
2 August 8, 2007, with the Board of Pharmacy, to obtain a Registered Pharmacist License.

3  
4                                   JURISDICTION

5                   4.       Statement of Issues No. 3134 was filed before the Board of Pharmacy  
6 (Board) and is currently pending against Respondent. The Statement of Issues and all other  
7 statutorily required documents were properly served on Respondent on March 14, 2008. A copy  
8 of Statement of Issues No. 3134 is attached as exhibit A and incorporated herein by reference.

9                                   ADVISEMENT AND WAIVERS

10                   5.       Respondent has carefully read and understands the charges and allegations  
11 in Statement of Issues No. 3134. Respondent has also carefully read and understands the effects  
12 of this Stipulated Settlement and Disciplinary Order.

13                   6.       Respondent is fully aware of his legal rights in this matter, including the  
14 right to a hearing on the charges and allegations in the Statement of Issues; the right to be  
15 represented by counsel at his own expense; the right to confront and cross-examine the witnesses  
16 against him; the right to present evidence and to testify on his own behalf; the right to the  
17 issuance of subpoenas to compel the attendance of witnesses and the production of documents;  
18 the right to reconsideration and court review of an adverse decision; and all other rights accorded  
19 by the California Administrative Procedure Act and other applicable laws.

20                   7.       Respondent voluntarily, knowingly, and intelligently waives and gives up  
21 each and every right set forth above.

22  
23                                   CULPABILITY

24                   8.       Respondent admits the truth of each and every charge and allegation in  
25 Statement of Issues No. 3134.

26                   9.       Respondent agrees that his application for a Registered Pharmacist License  
27 is subject to denial and he agrees to be bound by the Board of Pharmacy (Board)'s imposition of  
28 discipline as set forth in the Disciplinary Order below.

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- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state and federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for any drug, device or controlled substance.

2. **Reporting to the Board.** Respondent shall report to the Board quarterly. The report shall be made either in person or in writing, as directed. Respondent shall state under penalty of perjury whether there has been compliance with all the terms and conditions of probation. If a final probation report is not made as directed, probation shall be extended automatically until such time as the final report is made and accepted by the Board.

3. **Interview with the Board.** Upon receipt of reasonable notice, Respondent shall appear in person for interviews with the Board upon request at various intervals at a location to be determined by the Board. Failure to appear for a scheduled interview without prior notification to Board staff shall be considered a violation of probation.

4. **Cooperation with Board Staff.** Respondent shall cooperate with the Board's inspectional program and in the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of his probation. Failure to comply shall be considered a violation of probation.

5. **Continuing Education.** Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board.

6. **Notice to Employers.** Respondent shall notify all present and prospective employers of the decision in case number 3134 and the terms, conditions and restrictions imposed on Respondent by the decision. Within thirty (30) days of the effective date of the decision, and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in writing acknowledging the employer has read the decision in case number 3134.

1 If Respondent works for or is employed by or through a pharmacy employment  
2 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at  
3 every pharmacy of the terms and conditions of the decision in case number 3134 in advance of  
4 the Respondent commencing work at each pharmacy.

5 "Employment" within the meaning of this provision shall include any full-time, part-  
6 time, temporary, relief or pharmacy management service as a pharmacist, whether the  
Respondent is considered an employee or independent contractor.

7 **7. Notification of Employment/Mailing Address Change.** Respondent  
8 shall notify the Board in writing within ten (10) days of any change of employment. Said  
9 notification shall include the reasons for leaving and/or the address of the new employer,  
10 supervisor or owner and work schedule if known. Respondent shall notify the Board in  
11 writing within 10 days of a change in name, mailing address or phone number.

12 **8. No Ownership of Premises.** Respondent shall not own, have any legal  
13 or beneficial interest in, or serve as a manager, administrator, member, officer, director,  
14 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter  
15 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any  
16 entity licensed by the Board within ninety (90) days following the effective date of this  
17 decision and shall immediately thereafter provide written proof thereof to the Board.

18 **9. No Preceptorships, Supervision of Interns, Being Pharmacist-in-**  
19 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern  
20 pharmacist or perform any duties of a preceptor, nor shall Respondent be the pharmacist-in-  
21 charge of any entity licensed by the Board unless otherwise specified in this order.

22 **10. Probation Monitoring Costs.** Respondent shall pay the costs  
23 associated with probation monitoring as determined by the Board each and every year of  
24 probation. Such costs shall be payable to the Board at the end of each year of probation.  
25 Failure to pay such costs shall be considered a violation of probation.

26 **11. Status of License.** Respondent shall, at all times while on probation,  
27 maintain an active current license with the Board, including any period during which  
28 suspension or probation is tolled.

1           If Respondent's license expires or is cancelled by operation of law or otherwise,  
2     upon renewal or reapplication, Respondent's license shall be subject to all terms and  
3     conditions of this probation not previously satisfied.

4           **12. Tolling of Probation.** Should Respondent, regardless of residency, for  
5     any reason cease practicing pharmacy for a minimum of forty (40) hours per calendar month  
6     in California, Respondent must notify the Board in writing within ten (10) days of cessation of  
7     the practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time  
8     shall not apply to reduction of the probation period. It is a violation of probation for probation  
9     to remain tolled pursuant to the provisions of this condition for more than three (3) years.

10           “Cessation of practice” means any period of time exceeding 30 days in which  
11           Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of  
          the Business and Professions Code for the requisite number of hours.

12           **13. License Surrender while on Probation/Suspension.** Following the  
13     effective date of this decision, should Respondent cease practice due to retirement or health, or  
14     be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender  
15     his license to the Board for surrender. The Board shall have the discretion whether to grant  
16     the request for surrender or take any other action it deems appropriate and reasonable. Upon  
17     formal acceptance of the surrender of the license, Respondent will no longer be subject to the  
18     terms and conditions of probation. Upon acceptance of the surrender, Respondent shall  
19     relinquish his pocket license to the Board within ten (10) days of notification by the Board that  
20     the surrender is accepted. Respondent may not reapply for any license from the Board for three  
21     (3) years from the effective date of the surrender. Respondent shall meet all requirements  
22     applicable to the license sought as of the date the application for that license is submitted.

23           **14. Violation of Probation.** If Respondent violates probation in any  
24     respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke  
25     probation and carry out the disciplinary order which was stayed. If a petition to revoke  
26     probation or an accusation is filed against Respondent during probation, the Board shall have  
27     continuing jurisdiction and the period of probation shall be extended, until the petition to  
28     revoke probation or accusation is heard and decided.

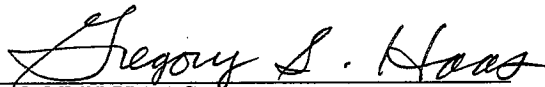
1 If Respondent has not complied with any term or condition of probation, the  
2 Board shall have continuing jurisdiction over Respondent, and probation shall automatically  
3 be extended until all terms and conditions have been satisfied or the Board has taken other  
4 action as deemed appropriate to treat the failure to comply as a violation of probation, to  
5 terminate probation, and to impose the penalty which was stayed.

6 15. **Completion of Probation.** Upon successful completion of probation,  
7 Respondent's license will be fully restored.

8  
9 ACCEPTANCE

10 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
11 understand the stipulation and the effect it will have on my Registered Pharmacist License. I  
12 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and  
13 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

14 DATED: 5/19/2008.

15   
16 GREGORY HAAS  
Respondent


17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby  
19 respectfully submitted for consideration by the Board of Pharmacy of the Department of  
20 Consumer Affairs.

21 DATED: 5/21/2008

22 EDMUND G. BROWN JR., Attorney General  
23 of the State of California

24 FRANK H. PACOE  
Supervising Deputy Attorney General

25   
26 JOSHUA A. ROOM  
27 Deputy Attorney General

Attorneys for Complainant



**Exhibit A**  
**Statement of Issues No. 3134**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM, State Bar No. 214663  
Deputy Attorney General  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
5 Telephone: (415) 703-1299  
Facsimile: (415) 703-5480

6 Attorneys for Complainant

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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues Against:

Case No. 3134

11 GREGORY HAAS  
12 2111 Saint Augustine Circle  
Petaluma, CA 94954

**STATEMENT OF ISSUES**

13 Applicant for Pharmacist License

14 Respondent.

15  
16 Complainant alleges:

17 PARTIES

18 1. Virginia Herold (Complainant) brings this Statement of Issues solely in  
19 her official capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about August 13, 2007, the Board of Pharmacy, Department of  
21 Consumer Affairs received an application for a Registered Pharmacist License from Gregory  
22 Haas (Respondent). On or about August 8, 2007, Respondent certified under penalty of perjury  
23 the truthfulness of all statements, answers, and representations in the application. The Board  
24 denied the application on or about November 1, 2007.

25 JURISDICTION

26 3. This Statement of Issues is brought before the Board of Pharmacy (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.

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2           “(o) Violating or attempting to violate, directly or indirectly, or assisting in or  
3 abetting the violation of or conspiring to violate any provision or term of this chapter or of the  
4 applicable federal and state laws and regulations governing pharmacy, including regulations  
5 established by the board or by any other state or federal regulatory agency.

6           6.       Section 480 of the Code states, in pertinent part:

7           “(a). A board may deny a license regulated by this code on the grounds that the  
8 applicant has one of the following:

9           “(1) Been convicted of a crime. . . . Any action which a board is permitted to take  
10 following the establishment of a conviction may be taken . . . irrespective of a subsequent order  
11 under the provisions of Section 1203.4 of the Penal Code.

12           “(2) Done any act involving dishonesty, fraud or deceit with the intent to  
13 substantially benefit himself or another, or substantially injure another; or

14           “(3) Done any act which if done by a licentiate of the business or profession in  
15 question, would be grounds for suspension or revocation of license.

16           “The board may deny a license pursuant to this subdivision only if the crime or act  
17 is substantially related to the qualifications, functions or duties of the business or profession for  
18 which application is made.”

19           7.       California Code of Regulations, title 16, section 1770, states:

20           “For the purpose of denial, suspension, or revocation of a personal or facility  
21 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions  
22 Code; a crime or act shall be considered substantially related to the qualifications, functions or  
23 duties of a licensee or registrant if to a substantial degree it evidences present or potential  
24 unfitness of a licensee or registrant to perform the functions authorized by his license or  
25 registration in a manner consistent with the public health, safety, or welfare.”

26           8.       Section 4059 of the Code, in pertinent part, prohibits furnishing of any  
27 dangerous drug or dangerous device except upon the prescription of an authorized prescriber.

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1           9.     Section 4060 of the Code provides, in pertinent part, that no person shall  
2 possess any controlled substance, except that furnished upon a valid prescription/drug order.

3           10.    Health and Safety Code section 11158, in pertinent part, provides that no  
4 controlled substance classified in Schedule III, IV, or V may be dispensed without a prescription.

5           11.    Health and Safety Code section 11173, subdivision (a), provides that no  
6 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure  
7 the administration of or prescription for controlled substances, (1) by fraud, deceit,  
8 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

9           12.    Health and Safety Code section 11350, in pertinent part, makes it unlawful  
10 to possess any controlled substance classified in Schedule III, IV, or V (Health and Safety Code  
11 sections 11056-11058) which is a narcotic drug, except upon a valid prescription.

12           13.    Health and Safety Code section 11351, in pertinent part, makes it unlawful  
13 for any person to possess for sale or purchase for sale any controlled substance classified in  
14 Schedule III, IV, or V which is a narcotic drug.

15           14.    Health and Safety Code section 11352, in pertinent part, makes it unlawful  
16 for any person to transport, import into this state, sell, furnish, administer, or give away, or offer  
17 to transport, import into this state, sell, furnish, administer, or give away, any controlled  
18 substance classified in Schedule III, IV, or V which is a narcotic drug.

19           15.    United States Code, title 21, section 829 provides, in pertinent part, that no  
20 controlled substance in schedule III or IV, may be dispensed without a valid prescription.

21  
22                   CONTROLLED SUBSTANCES / DANGEROUS DRUGS

23           16.    Section 4021 of the Code states:

24                   “Controlled substance’ means any substance listed in Chapter 2 (commencing  
25 with Section 11053) of Division 10 of the Health and Safety Code.”

26           17.    Section 4022 of the Code states, in pertinent part

27                   “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for  
28 self-use, except veterinary drugs that are labeled as such, and includes the following:

“(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without prescription,’ ‘Rx only,’ or words of similar import.

“(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.”

18. **Vicodin, Vicodin ES, and Norco** are brand names for compounds of varying dosages of acetaminophen and **hydrocodone bitartrate**, a narcotic and Schedule III controlled substance designated by Health and Safety Code section 11056(e)(4) and a dangerous drug designated by Business and Professions Code section 4022, intended for pain relief.

19. **Acetaminophen with codeine** is a compound of acetaminophen (APAP) and **codeine**, a narcotic and Schedule III controlled substance designated by Health and Safety Code section 11056(e)(2) and a dangerous drug designated by Business and Professions Code section 4022, intended for pain relief.

20. **Soma** is a brand name for **carisoprodol**, a dangerous drug designated by Business and Professions Code section 4022, intended as a skeletal muscle relaxant.

### PROCEDURAL/FACTUAL BACKGROUND

21. On or about September 30, 1983, the Board issued Pharmacist License Number RPH 38126 to Gregory Haas (Respondent).

22. On or about June 16, 2000, in a criminal case titled *People v. Gregory Steven Haas*, Case No. VCR 147559 in Solano County Superior Court, Respondent pleaded nolo contendere to one count of violating Health and Safety Code section 11352(a) (illegal transport, sale, furnishing, administering, offering to sell controlled substance, **Vicodin**), a felony. The circumstances of the crime and conviction in Solano County Superior Court were as follows:

a. On or about April 5, 2000, while working as the Pharmacist-in-Charge at a Wal-Mart Pharmacy in Vallejo, California, Respondent was arrested by police, sheriffs, and/or the DEA and charged with violating Health and Safety Code section 11352(a) (illegal transport, sale, furnishing, administering, offering to sell controlled substance, **Vicodin**).

1           b.       In the course of a contemporaneous or subsequent interview, Respondent  
2 admitted that for a period of approximately two (2) years, he had been using the access to drugs  
3 afforded to him by his position as a Pharmacist at the Wal-Mart Pharmacy to steal/divert drugs  
4 from the stock of his employer and sell those drugs to individuals who came to him in or around  
5 the premises of the Pharmacy for cash or other consideration(s), without prescription. According  
6 to Respondent, the drugs stolen and sold without prescription included the controlled substances  
7 **Vicodin** and **Acetaminophen with codeine**, and the dangerous drug **Soma**. A total cash value  
8 of the thefts and resale was not determined, but Respondent received at least \$5,100.00 in cash.

9           c.       On or about April 26, 2000, Respondent was charged by Felony Complaint  
10 with three counts of violating Health and Safety Code section 11352(a) (illegal transport, sale,  
11 furnishing, administering, offering to sell controlled substance, **Vicodin**), all felonies, for three  
12 instances of illegal sales or offers to sell on March 31, March 24, and March 23, 2000.

13           d.       On or about June 16, 2000, Respondent pleaded nolo contendere to Count  
14 I of the Felony Complaint (pertaining to March 31, 2000), and Counts II and III were dismissed.

15           e.       On or about August 15, 2000, a judgment was entered ordering imposition  
16 of sentence suspended in favor of a period of formal probation of three (3) years, on terms and  
17 conditions including: 180 days in county jail, with credit for 1 day served; \$1,000.00 restitution;  
18 fines and fees of at least \$200.00; registration pursuant to Health and Safety Code section 11590;  
19 attendance of counseling and therapy as directed by probation; and full-time employment.

20           23.       On or about July 22, 2000, in a case titled *In the Matter of the Accusation*  
21 *Against Gregory Steven Haas*, Board Case No. 2318, Complainant Patricia F. Harris filed an  
22 Accusation before the Board charging Respondent with cause for discipline against his license.  
23 The Accusation relied on Respondent's June 16, 2000 plea and conviction for felony violation of  
24 Health and Safety Code section 11352, and on related violations of state and federal law.

25           24.       On or about March 22 and March 26, 2001, Respondent and his attorney  
26 executed a Stipulated Surrender of License and Order in Case No. 2318, by which Respondent  
27 admitted to the allegations in the Accusation and agreed to surrender his Pharmacist License.  
28 That Surrender was accepted by the Board in a Decision and Order effective November 3, 2001.

1           25.     On or about June 6, 2003, it having been determined that Respondent had  
2 satisfactorily completed the term of his criminal probation, including service of incarceration and  
3 payment of restitution, Respondent's petition for relief pursuant to Penal Code section 1203.4  
4 was granted. Respondent was able to withdraw his plea of nolo contendere to the felony count of  
5 violating Health and Safety Code section 11352(a) and to enter a plea of not guilty, the charge  
6 was reduced from a felony to a misdemeanor, and the criminal case was dismissed.

7  
8                               FIRST CAUSE FOR DENIAL OF APPLICATION

9                                       (Unprofessional Conduct)

10           26.     Respondent's application is subject to denial under sections 4300(c) and  
11 480(a)(3) of the Code in that, as described in paragraphs 21-24, above, Respondent is guilty of  
12 unprofessional conduct and/or acts which if done by a licentiate would be (and were) grounds for  
13 suspension or revocation of a license, i.e., unprofessional conduct per section(s) 4301(j), (l), (o),  
14 4059, and/or 4060 of the Code, Health and Safety Code section(s) 11158, 11173, 11350, 11351,  
15 and/or 11352, and/or United States Code, title 21, section 829, based on his conduct in and/or his  
16 conviction for stealing/selling controlled substances and dangerous drugs without prescription.

17  
18                               SECOND CAUSE FOR DENIAL OF APPLICATION

19                                       (Conviction of a Crime)

20           27.     Respondent's application is subject to denial under section 480(a)(1) of the  
21 Code in that, as described in paragraph 22, above, Respondent was convicted of a crime.

22  
23                               THIRD CAUSE FOR DENIAL OF APPLICATION

24                                       (Dishonest Acts)

25           28.     Respondent's application is subject to denial under section 480(a)(2) of the  
26 Code in that, as described in paragraph 22, above, Respondent did acts involving dishonesty,  
27 fraud or deceit with the intent to substantially benefit himself or another.

28     ///



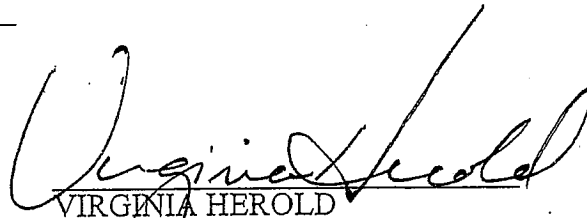
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

A. Denying the application of Gregory Haas for a Pharmacist License;

B. Taking such other and further action as is deemed necessary and proper.

DATED: 3/11/08



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

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